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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,433	07/22/2003	Doug Bender	1970-0006	6426
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EXAMINER				
DUONG, DUC T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,433

Applicant(s)

BENDER ET AL.

Examiner

Duc T. Duong

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16, 18-22, 24-26 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16, 18-22, 24-26 and 35-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-16, 18-22, 24-26, and 35-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 12, 13, 18-20, 35-39, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (US Patent 7,280,530 B2).

Regarding to claims 12 and 35, Chang discloses a method (fig. 15-17) for routing a telephone call over a voice and data network 18, the method comprising receiving a call from a remote communication device at a telecommunications gateway TCG 4, wherein the call is directed to a called telephone number associated with the TCG (fig.

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15 col. 30 lines 53-57) and with a telephone 38/238 physically coupled to the TCG (fig. 2 col. 10 line 59-col. 11 line 8); determining whether the call is to be redirected as a voice and data network VDN call (col. 27 lines 57-61); when the call is to be redirected as a VDN call, converting the call at the TCG into a format compatible with the VDN and connecting the converted call to a destination device via the VDN (fig. 16 col. 13 lines 54-63); and when the call is not authorized to be redirected as a VDN call, connecting the call to the telephone physically connected to the TCG (fig. 17 col. 31 lines 31-41).

Regarding to claim 13, Chang discloses the calling device is a plain old telephone (col. 11 lines 1-8).

Regarding to claims 18 and 42, Chang discloses the voice and data network is Internet (col. 10 lines 50-51).

Regarding to claim 19, Chang discloses receiving a VDN call designator and determining whether the VDN designator is received (col. 26 lines 1-20).

Regarding to claim 20, Chang discloses the VDN designator includes information indicating selection of one or more keys at a telephone keypad (col. 27 lines 57-65).

Regarding to claim 36, Chang discloses connect the incoming call to the telephone connected to the device when the incoming call is not authorized to be sent to the remote destination device (col. 30 lines 60-67).

Regarding to claim 37, Chang discloses receive a destination address of the remote destination device via the incoming call (col. 27 lines 66-67).

Regarding to claim 38, Chang discloses when no destination address is received, the incoming call is connected to the telephone physically connected to the device (col. 31 lines 30-41).

Regarding to claim 39, Chang discloses sending the incoming call to the remote destination comprises converting voice data received via the incoming call into a stream of data packets addressed to the remote destination device and sending the stream of data packets via the VDN to the remote destination device (col. 14 lines 1-16).

Regarding to claim 41, Chang discloses authenticate a caller based at least partially on an electronic serial number of the calling device (col. 24 lines 19-27).

Regarding to claim 43, Chang discloses a connector to connect to a public switched telephone network; a connector to connect to the telephone device; and a connector to connect to the voice and data network (fig. 2 col. 10 lines 56-67).

Regarding to claim 44, Chang discloses receive a signal indicating that the incoming call is not directed to the telephone (col. 29 lines 38-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Galvin et al (US Patent 6,351,464 B1).

Regarding to claims 14 and 15, Chang discloses all the limitations with respect to claim 12, except for the calling device is a mobile device such as a wireless telephone and that a call from it would be routed to PSTN prior to the TCG. However, Galvin discloses a telecommunication system for routing a call from a mobile device 10 to a data device 18 via PSTN network 14 prior to routing the call to the Internet telephone gateway 28 (fig. 1 col. 4 lines 39-65). Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to employ a calling device as mobile device as taught by Galvin into Chang's system for communication with wireless networks.

6. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Chang [2] et al (US Patent 6,700,956 B2).

Regarding to claims 21-22, Chang discloses all the limitations with respect to claim 12, except for determining whether a voice and data network designator is present in the calling code, wherein the designator is a tone produced by prompting the calling party entering the "#" key on a telephone keypad.

However, Chang [2] discloses an apparatus and method for the caller to select which networks, PSTN or Internet, to establish the call; wherein for internet call the caller is prompt to enter the "#" on the telephone keypad (fig. 5 col. 4 lines 41-58).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such entering of keystroke on the telephone keypad as taught by Chang [2] into

Chang's system to provide a simple mechanism to toggle between the PSTN networks and Internet telephony service.

7. Claims 24-26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Smyk (US Patent 6,597,686 B1).

Regarding to claim 24-26 and 40, Chang discloses all the limitations with respect to claim 1, except for determining whether a calling party of the call is authorized to make a VDN call prior to transferring the converted call to the destination device via the voice and data network (claim 23); capturing called ID data associated the call (claim 24); determining the destination device before transferring the converted call to the destination device, wherein the determining is performs by sending a dialing signal to a calling device and receiving a calling code associated with the destination device from the calling device (claim 25); and using the calling code to address data packets to the destination device (claim 26)

However, Smyk discloses an apparatus and method for Internet telephony routing, wherein authorization of the calling's party to access a telephone service network is verify via capturing the calling party's identification and once the verification is completed, the call is routed to the called party based on the destination number entered by the calling party and the telephone service carrier selected by the calling party (fig. 3-4 col. 5 lines 15-43).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such authorization step via caller ID and determining a calling code step as taught by

Smyk into Chang's system to prevent unauthorized access and use of the network resources, as well as, provided alternative routing based on least cost of calls.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./
Examiner, Art Unit 2419

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2419
1/5/09